

## ***FAIR HEARINGS FOR SERVICE APPEALS***

### **QUICK REFERENCE GUIDE**

#### **What is a Service Appeal?**

Service Appeals allow for dispute resolution related to delivery and/or quality of services provided by or referred by the Child and Family Services Agency (CFSA) to a client or family. Youth can appeal a decision or action at age 14 or older, when they have the right to be involved with decisions related to their own service needs. Parents (or guardians) with an active case with CFSA may also appeal a service decision or action.

#### **What are the scheduling procedures for a Service Appeal?**

As with all appeals connected to the Office of Fair Hearings, the first step requires a formal request by the client for a hearing within 30 days of the service decision or action. Upon receipt of the request, the fair hearing will be scheduled for the client by the Fair Hearings Coordinator. Prior to the hearing, however, interested parties are invited to attend a Program Administrator's Review (PAR). This is an informal meeting where issues surrounding the services in question (or lack of services) may be discussed with a neutral person (the Administrator or designee). The Administrator facilitates the discussion in hopes of resolving the issues without a formal hearing but he or she is not involved with any decision-making.

#### **What if a Program Administrator's Review does not resolve a service dispute?**

Federal law gives every client the right to a fair hearing in regards to specific services. If a dispute is unresolved during the PAR, the client can move forward with the scheduled fair hearing. Both the client and the CFSA staff may present witnesses and evidence during the fair hearing. Clients may bring their own attorney; one of the Assistant General Counsels will speak for CFSA.

#### **Under what circumstances can a client file a Service Appeal?**

The following situations may warrant a service appeal: (1) services are cut back, postponed or stopped without notice or an alternative service being put into place; (2) a copy of the case plan is not provided to the family or youth within 30 days of the case being opened; (3) the service plan is not reviewed within legal time frames; (4) services listed in the case plan are never delivered; (5) court-ordered services are not provided; (6) requested services are not provided; and/or (7) services are provided that are not considered needed by the client.

#### **Are there any circumstances where a client may not file a Service Appeal?**

Yes. Service Appeals may not be filed for changes to services that stem from (1) changes in the law, (2) for issues that have been previously addressed, (3) for services that another District Government or Federal agency provides, (4) for actions or decisions that are not defined as a "service" under CFSA policy, or (5) for court-ordered services that the client opposes.

#### **Can a request for a fair hearing be retracted? Yes.**

The person requesting a fair hearing may at any time retract a request in writing. Any such retractions must be delivered to the Office of Fair Hearings, 955 L'Enfant Plaza, SW, Washington, DC 20024, Phone -- (202) 724-7100 and Fax -- (202) 727-5619. The Deputy Director for Program Operations or the Office of the General Counsel is available for questions.